

UNAPPROVED MINUTES

BOARD OF PHYSICAL THERAPY MEETING MINUTES

The Virginia Board of Physical Therapy convened for a board meeting on Friday, July 10, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Room #2, Henrico, Virginia.

The following members were present:

George Maihafer, Ph.D, P.T., President
Maureen E. Lyons, P.T., Vice-President
Peggy H. Belmont, P.T.
Damien Howell, P.T.
Lorraine C. Quinn, P.T.A.
J.R. Locke

The following members were absent:

Melissa Wolff-Burke, P.T.

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Sandra Whitley Ryals, Director
Annie B. Artis, Licensing Operations Manager
Kathy Truesdale, Case Compliance Manager
Holly Manke, Administrative Assistant
Missy Currier, Administrative Assistant

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 6 members present, a quorum was established.

GUESTS PRESENT

Dr. Neal Kauder, President of VisualResearch, Inc.

CALLED TO ORDER

Dr. Maihafer, President, called the board meeting to order at 10:35 a.m.

ORDERING OF THE AGENDA

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to approve the agenda.

The motion passed unanimously

PUBLIC COMMENT PERIOD

There was no public comment.

ACCEPTANCE OF MINUTES

Upon a motion by Damien Howell and properly seconded by Ms. Quinn, the Board voted to accept the amended minutes of the April 3, 2009 board meeting.

The motion passed unanimously.

AGENCY DIRECTOR'S REPORT – Sandra Ryals

Virginia Performs

Ms. Ryals began by congratulating the board members, staff members and the Agency for their terrific efforts in working effectively and efficiently to resolve patient care cases within 250 days. She commented that this was a huge milestone for The Department of Health Professions for reaching a goal which had never been achieved. Ms. Ryals stated that she had not yet received the 4th quarter results yet but for the quarter ending March 31, 2008, the board met and exceeded the agency's goals. Mr. Locke added that everyone deserved a round of applause for a great team effort.

Other

Ms. Ryals announced to the members that the Agency was making changes in board structures and that the Board of Audiology and Speech Language Pathology would be joining Veterinary Medicine and Optometry once they hire an Executive Director. Ms. Hahn will remain as Executive Director for the Boards of Physical Therapy, Funeral Directors and Embalmers and Long Term Care Administrators.

Mr. Maihafer inquired whether or not the agency had experienced the need to produce any budget cuts. Ms. Ryals explained that because DHP is a non-general fund agency and it is supported by licensure fees, there has not been any required cuts to date. Ms. Ryals indicated that the Board of Physical Therapy is currently in good standing financially and that the board may be able to reduce fees at least temporarily. She stated that the Department will present detailed and information at the November meeting which will assist in their decisions.

Ms. Ryals gave a brief update regarding the security breach that occurred at DHP which resulted in a shut down of all computer systems. She stated that details could not be

discussed because of an ongoing investigation. She also mentioned that DHP had not yet incurred any direct costs associated with the incident.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Board Member Positions

Ms. Hahn announced that Robert Izzo's term ended on June 30, 2009 and he did not wish to be reappointed. Ms. Hahn shared that Mr. Izzo enjoyed his time on the board and wanted to thank the members for his tenure on the board. Ms. Hahn suggested purchasing a small plaque for Mr. Izzo in appreciation for his service on the board.

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board voted to purchase a small plaque in appreciation of Mr. Izzo's service on the board.

The motion passed unanimously.

Governor Kaine appointed a new member Melissa Wolff-Burke, PT to the Physical Therapy Board for a 4 year term which will expire on 2013. Ms. Wolff-Burke is replacing Mr. Izzo's seat on the board. Ms. Hahn stated that previous scheduled plans prevented Ms. Wolff-Burke from attending the meeting but asked the members to join in welcoming her to the board.

Congratulations were given to George Maihafer for his reappointment for another 4 year term which will expire on 2013.

Licensee Statistics

Ms. Hahn reported there are currently 5,290 active licensed physical therapists and 2,052 physical therapist assistants.

Direct Access Certification

Ms. Hahn stated there are currently 286 physical therapists licensed with direct access certification.

Discipline Statistics

Ms. Hahn reported there are currently 13 open cases with 4 cases at the probable cause level, 7 in Investigations, 1 case at the informal stage and 1 case is at the formal stage. She also mentioned that there has been a recent surge of cases entering the board.

Virginia Performs

Ms. Hahn was pleased to report that the Board achieved 100% goal for customer satisfaction. She also stated that the 100% goal of issuing licenses to applicants within 30 days or less has been achieved. Ms. Hahn stated that the percent of patient care cases closed in less than 250 days is at 100%. Ms. Hahn reminded the board members that the Virginia Performs charts are available on the DHP website.

Budget

Ms. Hahn presented the board with the budget information as of February 28, 2009. She stated that the cash balance as of June 30, 2008 was \$183,097. The year to date revenue was \$792,620 and the direct and allocated expenditures totaled \$339,709. She stated that our cash balance as of May 31, 2009 was \$636,008.

Ms. Hahn responded to Ms. Belmont's inquiry from the April 3rd meeting regarding the budget overage in Management and Informational Services specifically, 1242-Fiscal Services. Ms. Lyons also had questioned whether or not we were charged for the errors in double charging on some renewals. Ms. Hahn researched the issue with the Finance Department and discovered that the amount was under budgeted and that the board was not charged double for the renewal errors.

Ms. Hahn was asked to review the expenses that the board was charged for costs for information technology (VITA) compared to the cost of doing business prior to VITA.

2009 Calendar

Due to conflicts with schedules, the November 6, 2009 meeting has been re-scheduled for November 13, 2009.

Notice of Intended Regulatory Action (NOIRA)

Ms. Hahn stated that the public comment period ended on July 8th and that they had received only a couple of comments. The board needs to schedule a regulatory meeting in September or early October separate from the full board meeting. Ms. Hahn will work with Ms. Lyons, Chair of the Committee, to schedule the meeting.

Direct Access Emergency Regulations

Ms. Hahn informed the members that the Direct Access Regulations had been approved and incorporated into the regulations and were now in effect.

NEW BUSINESS

Sanctioning Reference Point Study Presentation – Dr. Neil Kauder, President of VisualResearch, Inc.

Ms. Ryals introduced Mr. Kauder, President of VisualResearch, Inc. and stated that he has worked with the Department of Health Professions for many years.

Mr. Kauder presented the board with a draft copy of the Sanctioning Reference Point Study Interim Report and gave an overview of the purpose and use of the information. He explained that the report provided a compilation of the past 10 year history of Physical Therapy case files and the results were used to develop a sanction reference worksheet to be used as a guideline during Informal Fact Finding Conferences.

After much discussion regarding the worksheet reference point system, the board decided that it would be beneficial to appoint a special committee to review the information presented and to recommend any changes they deem necessary.

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board voted to table the Sanctioning Reference Points System until the next board meeting on November 13, 2009.

The motion passed unanimously.

Ms. Hahn thanked Mr. Kauder for his informative presentation and requested that he make the changes that the board recommended and provide his results for the special committee to review.

Board of Health Profession Report – Damien Howell, President

Mr. Howell provided an informational handout which gave the members an update on recent activity and discussions at the Board of Health Professions. Mr. Howell also commented on issues of dual licensure certification and multiple licensures across the Boards and that stated they are being dealt with on a case by case basis.

ADJOURNMENT

With all business concluded, upon a motion by Mr. Howell and seconded by Ms. Lyons the meeting was adjourned at 12:10 pm.

George Maihafer, Ph.D., PT, Chair

Lisa R. Hahn, Executive Director

Date

Date